

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHA TIKA AMERSON,

Plaintiff,

Case No. 13-10233

v.

Hon. John Corbett O'Meara

ART CENTER & CARRIAGE HOMES;
JOEL S. WEBBER;
LOFT WAREHOUSE;
BANK OF AMERICA N.A.;
SECURITIES AND EXCHANGE COMMISSION

Defendants.

ORDER OF PARTIAL DISMISSAL

Plaintiff Sha Tika Amerson filed an eight-count complaint in this matter alleging the following causes of action: Count I, breach of contract; Count II, “violation of contract also validation” under REMIC law and the Federal Real Estate Procedures Act, 12 U.S.C. § 2601 et seq.; Count III, violation of the servicer performance agreement under The Federal Real Estate Procedures Act, 12 U.S.C. § 2601 et seq.; Count IV, violation of the Uniform Commercial Code; Count V, failure of validation under REMIC law; Count VI, silent fraud in violation of the “Gramm-Leach-Act” [sic]; Count VII, violation of Mich. Comp. Laws § 600.2918; and Count VIII, unjust enrichment.

Although Plaintiff’s causes of action arising under federal statutes are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based solely on state law. This court declines to exercise supplemental jurisdiction over Plaintiff’s state law

claims in order to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); and Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Therefore, it is hereby **ORDERED** that Counts I, VII, and VIII are **DISMISSED**.

Date: April 19, 2013

s/John Corbett O'Meara

United States District Judge

I hereby certify that on April 19, 2013 a copy of this order was served upon Plaintiff at 303 East Palmer, Unit 15, Detroit, Michigan 48202 by first-class U.S. mail.

s/William Barkholz

Case Manager